

PATENT

App. Ser. No.: 09/870,803
Atty. Dkt. No. ROC920010046US1
PS Ref. No.: IBM/K10046.Y1

REMARKS

This is intended as a full and complete response to the Final Office Action dated February 24, 2006, having a shortened statutory period for response set to expire on May 24, 2006. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-28 are pending in the application. Claims 1-28 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 112

Claims 3, 13, 20 and 28 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that:

"The claims were amended to include the limitation of disabling data recovery on the hard disk, prior to retrieving data, however, there was no support for this limitation pointed to by the applicant, nor could the examiner find any support in the specification."

Applicants respectfully submit that the specification clearly teaches such features in paragraph [0033] which states that:

"The method 500 begins at step 502 and proceeds to step 510 to access and read the image data on the HDD. The HDD's data recovery procedure is disabled during performance of the method 500."

Therefore, Applicant believes that the rejection is improper and respectfully requests withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 101

Claims 12, 14, 16, 17 and 25 is rejected under 35 U.S.C. 101. The Examiner states that:

"The 'tangible signal bearing medium' of claim 12 and its dependents, is referred to in the specification at page 7 which indicates that the 'medium' can be interpreted as 'information conveyed to a computer by a communications medium'. Such an embodiment can include 'information

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downloaded from the Internet and other networks". Thus it is clear that the "medium" claims are intended to be claims of mere information."

Applicants respectfully submit that the recitation of "tangible" in the claims clearly removes the claims from reading on intangibles such as signals. Amending the claims to include "tangible" is, in the experience of the Applicants, an amendment sanctioned by the PTO's quality review branch, which places the claims within patentable statutory subject matter. However, should the Examiner be unsatisfied with this amendment the Examiner is encouraged to call the attorney of record signing below. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4-9, 12, 14-17, 19, 21, 22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ding*, Patent #5,883,823 and *Law*, Patent #5,671,020.

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish the first and third criteria.

The Examiner takes the position that

"[i]t would have been obvious to one of ordinary skill in the art, having the teachings of *Ding* and *Law* before him at the time the invention was made to modify the odd/even indexing system of *Ding* to include the storage at different location, as did *Law*. One would have been motivated to make such a combination because this provides the more efficient access to the image data."

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Applicants respectfully submit that *Ding* fails to disclose, at a minimum, storing a plurality of odd/even index sequences of the i by j matrix on a hard disk drive. *Ding*, as discussed previously, discloses a system and method for computing inverse discrete cosine transforms (IDCT) which are performed "to convert the data from the frequency domain to the pixel domain." (See *Ding*, Col. 3, Lines 55-62). Even though *Ding* discloses utilization of odd/even indexing of the data (e.g., encoded discrete cosine transforms or DCT coefficients) in the IDCT computation, *Ding* does not disclose storing of such odd/even indexes into hard drives. *Ding* discloses only a video encoding or decoding system having a memory for storing DCT coefficients and resulting data. (*Ding*, Col. 5, lines 13-15). However, *Ding* clearly distinguishes such "memory" from hard disk drives because the video encoder 76 and the video decoder 74 include its own memory which is completely separate from other components such as the hard drive 90. (See *Ding* Figure 2). *Ding* merely discloses an IDCT computation which utilizes odd/even indexing, but simply does not disclose storing odd/even index indexes of video data into a hard drive. On this basis alone the rejection is defective and Applicants request that the rejection be withdrawn and the claims be allowed.

Regarding *Ding* and *Law*, the Examiner takes the position that:

"Ding's use of a RAID further points toward the same goal of the claimed invention by spreading data out over different memory units in order to better tolerate faults/errors. *Law* supplements this teaching of *Ding* by further providing the storing in different portions of the memory, as opposed to the duplication in all memory regions of *Ding*."

Applicants respectfully submit that *Law* fails to disclose, at a minimum, storing a plurality of odd/even index sequences of the i by j matrix on a hard disk drive. Furthermore, the references cited by the Examiner, either alone or in combination, do not teach, show or suggest storing a plurality of odd/even index sequences of the i by j matrix on a hard disk drive having a plurality of logic blocks, wherein at least two odd/even index sequences are stored in separate logic blocks of the hard disk drive. *Law* discloses a system for improving video filter processing having a memory buffer having a first and second memory modules. (*Law*, Col. 2 lines 63-66). The memory modules 402 and 404 as shown in Figures 8A-C of *Law* clearly show that separate

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portions of the odd index and separate portions of the even index are respectively stored on the memory modules 402 and 404, and thus, each index has a first portion stored in one memory module and a second portion stored in the other memory module. Therefore, *Law* does not teach, show or suggest storing at least two odd/even index sequences in separate logic blocks of the hard disk drive because *Law* discloses that each memory module includes a portion of each index. Further, assuming the Examiner's logic, failure of one memory module would affect both indexes since each memory module contains a portion of each index. Therefore, the references teach away from the claimed invention.

Furthermore, Applicants submit that no motivation is provided by the references with respect to accessing data from a hard disk drive since *Law* is concerned with video "preprocessing or filtering functions performed prior to encoding". (*Law*, Col. 1, Lines 64-65). *Law* is directed to video processing before video data which has been acquired via, for example, a video camera, has been encoded, and therefore, the teachings of *Law* are not be applicable to storage and retrieval of data from a hard disk drive.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claims 3, 10, 11, 13, 18, 20, 23, and 28 are rejected under 35 U.S. C. 103(a) as being unpatentable over *Oyamada et al.*, Patent #5,617,333, hereinafter *Oyamada*, *Law*, and *Ding*. Applicants respectfully traverse this rejection.

As discussed above, *Ding* and *Law*, either alone or in combination, do not teach, show or suggest storing a plurality of odd/even index sequences of the i by j matrix on a hard disk drive having a plurality of logic blocks, wherein at least two odd/even index sequences are stored in separate logic blocks of the hard disk drive. *Oyamada*, as discussed in Applicants' previously filed Responses, discloses nothing further with respect to this feature. Therefore, the rejection is believed to be overcome for the reasons given above.

Furthermore, the references, either alone or in combination, do not teach, show or suggest disabling a data recovery procedure programmed on the hard disk drive prior

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to retrieving the data. The Examiner states that "Oyamada teaches, in column 2, lines 46 through column 3, lines 15, replacing the convention method of retransmission in the case of errors, with the new method of interpolating a fixed value replacement for the errored portion of the image." However, such teachings are not directed to disabling a data recovery procedure programmed on a hard disk drive. The teachings of *Oyamada* are directed to transmission and reception of digital data, particularly over a low-quality transmission line such as a wireless communication network. (*Oyamada*, Col. 1, lines 7-14). Applicants respectfully submit that the cited passage merely discloses a system for correcting transmission errors and do not teach, show or suggest disabling a data recovery procedure programmed on the hard disk drive. Therefore, the rejection is believed to be defective.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

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Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

**Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan

Registration No. 44,227

PATTERSON & SHERIDAN, L.L.P.

3040 Post Oak Blvd. Suite 1500

Houston, TX 77056

Telephone: (713) 623-4844

Facsimile: (713) 623-4846

Attorney for Applicants